

Superseded 5/12/2015

77-32-301 Minimum standards for defense of an indigent.

- (1) Each county, city, and town shall provide for the legal defense of an indigent in criminal cases in the courts and various administrative bodies of the state in accordance with legal defense standards as defined in Subsection 77-32-208(8).
- (2)
 - (a) A county or municipality which contracts with a defense services provider shall provide that all legal defense elements be included as a single package of legal defense services made available to indigents, except as provided in Sections 77-32-302 and 77-32-303.
 - (b) When needed to avoid a conflict of interest between:
 - (i) trial counsel and counsel on appeal, a defense services provider contract shall also provide for separate trial and appellate counsel; and
 - (ii) counsel for co-defendants, a defense services provider contract shall also provide for separate trial counsel.
 - (c) If a county or municipality contracts to provide all legal defense elements as a single package, a defendant may not receive funding for defense resources unless represented by publicly funded counsel or as provided in Subsection 77-32-303(2).